

IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE S.SIRI JAGAN

WEDNESDAY, THE 14TH MARCH 2007 / 23RD PHALGUNA 1928

WP(C).No. 7070 of 2007(N)  
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PETITIONER:  
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LIZY DEVASSIACHAN,W/O DEVASSIACHAN(LATE)  
AGED 48 YEARS, PALATHUMKACHALIL HOUSE,  
EZHACHERY P.O., KOTTAYAM DISTRICT.

BY ADV. SMT.DAISY A.PHILIPOSE

RESPONDENTS:  
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1. MEENACHIL CO-OPERATIVE AGRICULTURAL &  
RURAL DEVELOPMENT BANK LTD. NO.K-197,  
PALA REPRESENTED BY ITS BRANCH MANAGER/SECRETARY.
2. SPECIAL SALE OFFICER,  
MEENACHIL CO-OPERATIVE AGRICULTURAL & RURAL  
DEVELOPMENT BANK LTD. NO.K.197,PALA,
3. THE WELFARE FUND INSPECTOR,  
KERALA TODDY WORKERS WELFARE FUND BOARD,  
KOTTAYAM RANGE.

BY

R3 ADV. SRI.A.K.JOHN, SC, KTWWF BOARD

R1 SRI.SUNIL CYRIAC,SC,MEENACHIL CO-OP.ARD

THIS WRIT PETITION (CIVIL) HAVING BEEN FINALLY HEARD  
ON 14/03/2007, THE COURT ON THE SAME DAY DELIVERED THE  
FOLLOWING:

APPENDIX

PETITIONERS EXHIBITS:

EXT.P1: COPY OF THE ORDER OF THE 1ST RESPONDENT, SANCTIONING THE LOAN.

EXT.P2: COPY OF THE NOTICE DATED 11.12.2006.

EXT.P3: COPY OF THE PROCLAMATION DATED 20.1.2007.

EXT.P4: COPY OF THE LETTER DATED 28.9.2006

TRUE COPY

P.A.TO JUDGE

S.SIRI JAGAN,J  
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W.P.(C).No.7070 OF 2007  
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Dated this the 14<sup>th</sup> day of March, 2007

### JUDGMENT

The petitioner's husband who is no more obtained a loan from the first respondent bank. Now recovery proceedings are initiated for the sale of property mortgaged as security for the loan. The petitioner would submit that she and her children are residing in the mortgaged property and her husband died due to cancer. She seeks indulgence of this court in the matter of directing the rearranging of the loan in her name after giving her an opportunity to pay the defaulted amount in four equal monthly installments.

I have heard the learned counsel for the petitioner as also learned standing counsel appearing for the bank.

Considering the rival arguments I dispose of the writ petition on the following terms:-

The petitioner shall pay the defaulted instalments loan amount; in four equal monthly instalments starting from 30.03.07. The three subsequent instalments shall be paid on 30<sup>th</sup> of April, 30<sup>th</sup> May and 30<sup>th</sup> June, 2007. In the mean while the petitioner shall also file an application before the bank for rearranging the loan in her name

with the facility to pay all the future installments as per the original agreement entered in to between the bank and the petitioner's husband. On receipt of that petition the first respondent bank shall consider the petition favourably and pass appropriate orders. Needles to say in the meantime coercive proceedings for recovery shall be kept in abeyance if the petitioner complies with the above directions.

The writ petition is disposed of as above.

S.SIRI JAGAN,JUDGE

dvs